

ASSEMBLY BILL

No. 805

Introduced by Assembly Member Galgiani

February 22, 2007

An act to amend Sections 12027 and 12027.1 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as introduced, Galgiani. Firearms.

Existing law authorizes certain peace officers to be licensed to carry concealed handguns, including specifying the format for the certificate evidencing the person's license. Existing law requires the peace officer's address appear on the certificate. Existing federal law provides that, subject to certain exceptions, notwithstanding state laws, qualified law enforcement officers and retired law enforcement officers, respectively, with required identification, may carry a concealed firearm, as specified. One of the exceptions allows states to prohibit carrying a concealed firearm by those persons on public property, as specified.

This bill would delete the requirement that the peace officer's address appear on the certificate. The bill would provide that any off-duty or honorably retired law enforcement officer who is within a class of persons prohibited from possessing or acquiring a firearm, as specified, may not possess a firearm on public property.

Existing law provides procedures for active duty and retired law enforcement officers to obtain a license to carry a concealed firearm, as specified. Existing law provides that if an identification certificate authorizing a retired peace officer to carry a concealed and loaded firearm, or an endorsement for the same, is denied prior to a hearing, the retired peace officer may request a hearing, as specified.

This bill would require that the requested hearing occur within 60 days following the agency's receipt of the retired peace officer's request for a hearing.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12027 of the Penal Code is amended to
2 read:

3 12027. Section 12025 does not apply to, or affect, any of the
4 following:

5 (a) (1) (A) Any peace officer, listed in Section 830.1 or 830.2,
6 or subdivision (a) of Section 830.33, whether active or honorably
7 retired, other duly appointed peace officers, honorably retired
8 peace officers listed in subdivision (c) of Section 830.5, other
9 honorably retired peace officers who during the course and scope
10 of their employment as peace officers were authorized to, and did,
11 carry firearms, full-time paid peace officers of other states and the
12 federal government who are carrying out official duties while in
13 California, or any person summoned by any of these officers to
14 assist in making arrests or preserving the peace while he or she is
15 actually engaged in assisting that officer. Any peace officer
16 described in this paragraph who has been honorably retired shall
17 be issued an identification certificate by the law enforcement
18 agency from which the officer has retired. The issuing agency may
19 charge a fee necessary to cover any reasonable expenses incurred
20 by the agency in issuing certificates pursuant to this subdivision.
21 As used in this section and Section 12031, the term "honorably
22 retired" includes all peace officers who have qualified for, and
23 have accepted, a service or disability retirement. For purposes of
24 this section and Section 12031, the term "honorably retired" does
25 not include an officer who has agreed to a service retirement in
26 lieu of termination.

27 (B) Any officer, except an officer listed in Section 830.1 or
28 830.2, subdivision (a) of Section 830.33, or subdivision (c) of
29 Section 830.5 who retired prior to January 1, 1981, shall have an
30 endorsement on the identification certificate stating that the issuing
31 agency approves the officer's carrying of a concealed firearm.

1 (C) No endorsement or renewal endorsement issued pursuant
2 to paragraph (2) shall be effective unless it is in the format set forth
3 in subparagraph (D), except that any peace officer listed in
4 subdivision (f) of Section 830.2 or in subdivision (c) of Section
5 830.5, who is retired between January 2, 1981, and on or before
6 December 31, 1988, and who is authorized to carry a concealed
7 firearm pursuant to this section, shall not be required to have an
8 endorsement in the format set forth in subparagraph (D) until the
9 time of the issuance, on or after January 1, 1989, of a renewal
10 endorsement pursuant to paragraph (2).

11 (D) A certificate issued pursuant to this paragraph for persons
12 who are not listed in Section 830.1 or 830.2, subdivision (a) of
13 Section 830.33, or subdivision (c) of Section 830.5 or for persons
14 retiring after January 1, 1981, shall be in the following format: it
15 shall be on a 2×3 inch card, bear the photograph of the retiree, the
16 retiree's name, ~~address~~, date of birth, the date that the retiree
17 retired, name and address of the agency from which the retiree
18 retired, have stamped on it the endorsement "CCW Approved"
19 and the date the endorsement is to be renewed.

20 (E) For purposes of this section and Section 12031, "CCW"
21 means "carry concealed weapons."

22 (2) A retired peace officer, except an officer listed in Section
23 830.1 or 830.2, subdivision (a) of Section 830.33, or subdivision
24 (c) of Section 830.5 who retired prior to January 1, 1981, shall
25 petition the issuing agency for the renewal of his or her privilege
26 to carry a concealed firearm every five years. An honorably retired
27 peace officer listed in Section 830.1 or 830.2, subdivision (a) of
28 Section 830.33, or subdivision (c) of Section 830.5 who retired
29 prior to January 1, 1981, shall not be required to obtain an
30 endorsement from the issuing agency to carry a concealed firearm.
31 The agency from which a peace officer is honorably retired may,
32 upon initial retirement of that peace officer, or at any time
33 subsequent thereto, deny or revoke for good cause the retired
34 officer's privilege to carry a concealed firearm. A peace officer
35 who is listed in Section 830.1 or 830.2, subdivision (a) of Section
36 830.33, or subdivision (c) of Section 830.5 who retired prior to
37 January 1, 1981, shall have his or her privilege to carry a concealed
38 firearm denied or revoked by having the agency from which the
39 officer retired stamp on the officer's identification certificate "No
40 CCW privilege."

1 (3) An honorably retired peace officer who is listed in
2 subdivision (c) of Section 830.5 and authorized to carry concealed
3 firearms by this subdivision shall meet the training requirements
4 of Section 832 and shall qualify with the firearm at least annually.
5 The individual retired peace officer shall be responsible for
6 maintaining his or her eligibility to carry a concealed firearm. The
7 Department of Justice shall provide subsequent arrest notification
8 pursuant to Section 11105.2 regarding honorably retired peace
9 officers listed in subdivision (c) of Section 830.5 to the agency
10 from which the officer has retired.

11 (b) The possession or transportation of unloaded pistols,
12 revolvers, or other firearms capable of being concealed upon the
13 person as merchandise by a person who is engaged in the business
14 of manufacturing, importing, wholesaling, repairing, or dealing in
15 firearms and who is licensed to engage in that business or the
16 authorized representative or authorized agent of that person while
17 engaged in the lawful course of the business.

18 (c) Members of the Army, Navy, Air Force, Coast Guard, or
19 Marine Corps of the United States, or the National Guard, when
20 on duty, or organizations which are by law authorized to purchase
21 or receive those weapons from the United States or this state.

22 (d) The carrying of unloaded pistols, revolvers, or other firearms
23 capable of being concealed upon the person by duly authorized
24 military or civil organizations while parading, or the members
25 thereof when going to and from the places of meeting of their
26 respective organizations.

27 (e) Guards or messengers of common carriers, banks, and other
28 financial institutions while actually employed in and about the
29 shipment, transportation, or delivery of any money, treasure,
30 bullion, bonds, or other thing of value within this state.

31 (f) Members of any club or organization organized for the
32 purpose of practicing shooting at targets upon established target
33 ranges, whether public or private, while the members are using
34 pistols, revolvers, or other firearms capable of being concealed
35 upon the person upon the target ranges, or transporting these
36 firearms unloaded when going to and from the ranges.

37 (g) Licensed hunters or fishermen carrying pistols, revolvers,
38 or other firearms capable of being concealed upon the person while
39 engaged in hunting or fishing, or transporting those firearms

1 unloaded when going to or returning from the hunting or fishing
2 expedition.

3 (h) Transportation of unloaded firearms by a person operating
4 a licensed common carrier or an authorized agent or employee
5 thereof when transported in conformance with applicable federal
6 law.

7 (i) Upon approval of the sheriff of the county in which they
8 reside, honorably retired federal officers or agents of federal law
9 enforcement agencies, including, but not limited to, the Federal
10 Bureau of Investigation, the Secret Service, the United States
11 Customs Service, the Federal Bureau of Alcohol, Tobacco, and
12 Firearms, the Federal Bureau of Narcotics, the Drug Enforcement
13 Administration, the United States Border Patrol, and officers or
14 agents of the Internal Revenue Service who were authorized to
15 carry weapons while on duty, who were assigned to duty within
16 the state for a period of not less than one year, or who retired from
17 active service in the state.

18 Retired federal officers or agents shall provide the sheriff with
19 certification from the agency from which they retired certifying
20 their service in the state, the nature of their retirement, and
21 indicating the agency's concurrence that the retired federal officer
22 or agent should be accorded the privilege of carrying a concealed
23 firearm.

24 Upon that approval, the sheriff shall issue a permit to the retired
25 federal officer or agent indicating that he or she may carry a
26 concealed firearm in accordance with this subdivision. The permit
27 shall be valid for a period not exceeding five years, shall be carried
28 by the retiree while carrying a concealed firearm, and may be
29 revoked for good cause.

30 The sheriff of the county in which the retired federal officer or
31 agent resides may require recertification prior to a permit renewal,
32 and may suspend the privilege for cause. The sheriff may charge
33 a fee necessary to cover any reasonable expenses incurred by the
34 county.

35 (j) The carrying of a pistol, revolver, or other firearm capable
36 of being concealed upon the person by a person who is authorized
37 to carry that weapon in a concealed manner pursuant to Article 3
38 (commencing with Section 12050).

39 (k) *No off-duty or honorably retired law enforcement officer*
40 *who is within a class of persons prohibited from possessing or*

1 *acquiring a firearm pursuant to Section 12021 or 12021.1 of this*
2 *code, or Section 8100 or 8103 of the Welfare and Institutions Code,*
3 *shall possess a firearm on any public property.*

4 SEC. 2. Section 12027.1 of the Penal Code is amended to read:

5 12027.1. (a) (1) (A) (i) Any peace officer employed by an
6 agency and listed in Section 830.1 or 830.2 or subdivision (c) of
7 Section 830.5 who retired after January 1, 1981, shall have an
8 endorsement on the identification certificate stating that the issuing
9 agency approves the officer's carrying of a concealed and loaded
10 firearm.

11 (ii) Any peace officer listed in Section 830.1 or 830.2 or
12 subdivision (c) of Section 830.5 who retired prior to January 1,
13 1981, is authorized to carry a concealed and loaded firearm if the
14 agency issued the officer an identification certificate and the
15 certificate has not been stamped as specified in paragraph (2) of
16 subdivision (a) of Section 12027.

17 (iii) Peace officers not listed in clause (i) or (ii) who were
18 authorized to, and did, carry firearms during the course and scope
19 of their employment as peace officers, shall have an endorsement
20 on the identification certificate stating that the issuing agency
21 approves the officer's carrying of a concealed and loaded firearm.

22 (B) An identification certificate authorizing the officer to carry
23 a concealed and loaded firearm or an endorsement on the certificate
24 may be revoked or denied by the issuing agency only upon a
25 showing of good cause. Good cause shall be determined at a
26 hearing, as specified in subdivision (d).

27 (2) A retired peace officer may have his or her privilege to carry
28 a concealed and loaded firearm revoked or denied by violating any
29 departmental rule, or state or federal law that, if violated by an
30 officer on active duty, would result in that officer's arrest,
31 suspension, or removal from the agency.

32 (b) (1) An identification certificate authorizing the officer to
33 carry a concealed and loaded firearm or an endorsement may be
34 revoked or denied by the issuing agency only upon a showing of
35 good cause. Good cause shall be determined at a hearing, as
36 specified in subdivision (d).

37 (2) An identification certificate authorizing the officer to carry
38 a concealed and loaded firearm or an endorsement may be revoked
39 only after a hearing, as specified in subdivision (d). Any retired
40 peace officer whose identification certificate authorizing the officer

1 to carry a concealed and loaded firearm or an endorsement is to
2 be revoked shall have 15 days to respond to the notice of the
3 hearing. Notice of the hearing shall be served either personally on
4 the retiree or sent by first-class mail, postage prepaid, return receipt
5 requested to the retiree's last known place of residence. Upon the
6 date the agency receives the signed registered receipt or upon the
7 date the notice is served personally on the retiree, the retiree shall
8 have 15 days to respond to the notification. A retired peace officer
9 who fails to respond to the notice of the hearing shall forfeit his
10 or her right to respond.

11 (3) An identification certificate authorizing the officer to carry
12 a concealed and loaded firearm or an endorsement may be denied
13 prior to a hearing. If a hearing is not conducted prior to the denial
14 of an endorsement, a retired peace officer, within 15 days of the
15 denial, shall have the right to request a hearing. A retired peace
16 officer who fails to request a hearing pursuant to this paragraph
17 shall forfeit his or her right to the hearing. *The hearing shall occur*
18 *within 60 days following the agency's receipt of the retired peace*
19 *officer's request for a hearing. The hearing shall be conducted*
20 *pursuant to subdivision (d).*

21 (c) A retired peace officer, when notified of the revocation of
22 his or her privilege to carry a concealed and loaded firearm, after
23 the hearing, or upon forfeiting his or her right to a hearing, shall
24 immediately surrender to the issuing agency his or her
25 identification certificate. The issuing agency shall reissue a new
26 identification certificate without an endorsement. However, if the
27 peace officer retired prior to January 1, 1981, and was at the time
28 of his or her retirement a peace officer listed in Section 830.1 or
29 830.2 or subdivision (c) of Section 830.5, the issuing agency shall
30 stamp on the identification certificate "No CCW privilege."

31 (d) Any hearing conducted under this section shall be held before
32 a three-member hearing board. One member of the board shall be
33 selected by the agency and one member shall be selected by the
34 retired peace officer or his or her employee organization. The third
35 member shall be selected jointly by the agency and the retired
36 peace officer or his or her employee organization.

37 Any decision by the board shall be binding on the agency and
38 the retired peace officer.

- 1 (e) No peace officer who is retired after January 1, 1989, because
- 2 of a psychological disability shall be issued an endorsement to
- 3 carry a concealed and loaded firearm pursuant to this section.

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